

## Message Text

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PAGE 01 MEXICO 13410 111904Z  
ACTION L-03

INFO OCT-01 ARA-14 ISO-00 DHA-02 JUSE-00 SCSE-00 SCA-01  
/021 W

-----101961 111920Z /46

P 111853Z AUG 77

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 4182

UNCLAS MEXICO 13410

DEPT PASS JUSTICE MR. ABBELL

E..O. 11652: NA

TAGS: CASC, MX

SUBJECT: U.S. TREATY ON PRISONER EXCHANGE

REF: MEXICO 3926

1. EMBASSY HAS RECEIVED REDRAFT OF AIDE-MEMOIRE ON THE IMPLEMENTATION OF THE TREATY FROM THE ATTORNEY GENERAL'S OFFICE. THE REDRAFT FOLLOWS THE SAME BASIC FORMAT ALTHOUGH WITH CERTAIN EDITORIAL REVISIONS. CHANGES OF POSSIBLE SIGNIFICANCE ARE:

(A) IN PARAGRAPH 5 DEALING WITH THE MOVEMENT OF PRISONERS FROM ONE PRISON TO ANOTHER, THE REVISED VERSION DOES NOT SPECIFICALLY INDICATE THAT THE MOVEMENT "ONLY BE INSTITUTED AT THE REQUEST OF THE PRISONERS". IT REFERS ONLY TO MEXICAN LAW. EMBASSY ASSUMES THAT THIS IS NOT A SUBSTANTIVE CHANGE, BUT WILL VERIFY. THERE IS NO REFERENCE INDICATING THAT THE PRISONER CANNOT BE MOVED WHEN HE HAS AN APPEAL OR AMPARO PENDING. WE WILL SEEK CLARIFICATION ON THIS POINT ALSO.

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(B) IN THE FINAL PARAGRAPH DEALING WITH THE INDICATION OF THE U.S. TO MAKE SIMILAR COMMITMENT WITH RESPECT TO TRANSFER PROCEDURES OF NATIONALS OF MEXICO, THE FOLLOWING PARAGRAPH HAS BEEN ADDED BY GOM REPEAT GOM: "FOR PRISONERS INCARCERATED FOR STATE OFFENSES (FUERO COMUN) IT IS ESSENTIAL THAT A LIST BE PREPARED IMMEDIATELY IN ORDER TO INITIATE THE NECESSARY LEGAL PROCEEDINGS WITH RESPECT TO

THE GOVERNORS OF THE STATES."

2. EMBASSY HAS BEEN UNABLE AS OF MORNING AUGUST 9 TO REACH DR. LECHUGA OF PREVENCIÓN SOCIAL IN ORDER TO DELIVER COPY OF AIDE MEMOIRE TO HIM. WE DO NOT KNOW WHETHER ATTORNEY GENERAL'S COMMENTS WERE COORDINATED WITH LECHUGA.

3. COMMENT:

ALTHOUGH QUESTION OF MEXICAN PRISONERS RETURNING TO MEXICO FROM U.S. STATE INSTITUTIONS HAS BEEN DISCUSSED, PRIMARILY BY GOBERNACIÓN, THE AMENDMENT TO FINAL PARA IS EVIDENCE OF GOM'S DESIRE TO HAVE THIS INFORMATION. DR. LECHUGA HAS BEEN PRESSING FOR NAMES AND NUMBERS OF POTENTIAL MEXICAN RETURNEES AND HE MAY WELL BE CONCERNED THAT THE GOM IS PREPARED FOR THE TRANSFER OF ITS NATIONALS. HE HAS ALSO INDICATED HIS CONCERN THAT THERE BE MEXICAN RETURNEES. THE ATTORNEY GENERAL HAS NOT BEEN SO SPECIFIC. WE CANNOT AT THIS TIME ENTIRELY FORECLOSE THE POSSIBILITY OF SOME RELUCTANCE TO HAVE THE INITIAL TRANSFER A ONE-WAY STREET. EMBASSY TRUSTS THAT JUSTICE WILL INCREASE ITS EFFORTS TO LOCATE POTENTIAL RETURNEES - BOTH STATE AND FEDERAL. IN LIGHT OF FEW FEDERAL CASES GOM IS AWARE OF, IT MAY BELIEVE RETURNEES FROM STATE PRISONS WOULD HOLD BEST PROSPECTS. LUCEY

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Executive Order:** N/A  
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**Review Markings:**  
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